

REMARKS

Claims 1 and 3-19 are pending in this application. By this Amendment, the Abstract, specification, and claims 1 and 3-6 are amended, claims 7-19 are added, and claim 2 is canceled without prejudice or disclaimer. The Abstract, specification and claims 1 and 3-6 are amended for clarification purposes only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. §112

The Office Action rejects claim 6 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The rejection is respectfully traversed.

More specifically, the Office Action alleges that the mechanism by which the size of the injection holes varies with respect to the water pressure is not enabled by the disclosure. Applicant respectfully disagrees. The Examiner's attention is drawn to, for example, paragraph 22 of the present application, which states, "[T]he size of the resulting number of injection holes 84 formed in the nozzle body is determined by the pressure of water supplied by a service pipe supplying pressurized water to the water circulating means." Thus, in any given embodiment of the invention, the size of the holes in the cleaning nozzle would be fixed. However, in various different embodiments, which supply water at different pressures, the size of the nozzle holes may be different. In each embodiment, the size of the nozzle holes would be matched to the

anticipated water pressure to ensure the jets of water achieve the function of dislodging particles from the walls of the filter without damaging the filter.

It is respectfully submitted that one of ordinary skill in the art reading the originally filed specification would understand that for a given amount of water pressure through a service pipe, one should select a particular size for the injection holes. Accordingly, it is respectfully submitted that claim 6 is supported by the originally filed specification and meets the requirements of 35 U.S.C. §112, first paragraph. Thus, the rejection of claim 6 under 35 U.S.C. §112, first paragraph, should be withdrawn.

The Office Action rejects claim 6 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. It is respectfully submitted that the amendments to claim 6, together with the amendments to paragraph 22 of the present application as set forth above, are responsive to the Examiner's comments, and that claim 6 meets the requirements of 35 U.S.C. §112, second paragraph. Thus, the rejection of claim 6 under 35 U.S.C. §112, second paragraph should be withdrawn.

It is noted that claim 6 is not otherwise rejected over art. Thus, it is assumed, for purposes of this reply, that claim 6 defines patentable subject matter.

II. Rejection Under 35 U.S.C. §102(e)

The Office Action rejects claims 1, 2 and 5 under 35 U.S.C. §102(e) over Elick et al., U.S. Patent Publication No. 2004/0003830 (hereinafter “Elick”). Claim 2 is canceled. The rejection, in so far as it applies to claims 1 and 5, is respectfully traversed.

Independent claim 1 is directed to a filter assembly for a dishwasher, comprising, *inter alia*, at least one cleaning nozzle provided at a predetermined position adjacent an outer circumference of the filter assembly, wherein the at least one cleaning nozzle is fixed to a portion of the sump proximate the filter assembly so as to be in communication with said water circulating means, and wherein the at least one cleaning nozzle is configured to spray pressurized water supplied by said water circulating means into the filter assembly. Elick neither discloses nor suggests at least such features, or the claimed combination of features.

Elick discloses a pump and filtration system for a dishwasher, including a pump assembly 30 which directs wash water to upper and lower wash arms 59 and 47, respectively. As particulate-laden wash water flows down, off of wash items positioned in the washing chamber 14, it is drawn into troughs 129 between fins 200, trapping large particles, utensils and the like prior to entering the pump assembly 30. A rotating chopper blade 178 then minces remaining entrained particles, and a portion of this wash water flows into a filter chamber 202, where it is forced through a fine mesh screen 207, out through corresponding openings 206, and back into the tub 5 for recirculation, leaving larger particles in the filter chamber 202.

To alleviate clogging in the fine mesh screen 207, during a drain operation, relatively clean wash water may be directed up into the lower wash arm 47, and then out through holes

273 in the bottom of the lower wash arm 47. Water sprayed out through the holes 273 in the bottom of the lower wash arm 47 impinges on the fine mesh screen 207, thus releasing entrained particles into the filter chamber 202. However, the flow of wash water through the holes 273 in the lower wash arm 47 to perform this flushing of the screen 207 is dependent on the draining operation, and subsequent continued operation of the drain pump 79 and supply of water through the lower wash arm 47. Elick neither discloses nor suggests that the holes 273 in the lower wash arm 47 (compared in the Office Action to the at least one cleaning nozzle recited in independent claim 1) is fixed to any portion of a sump, let alone a portion of such a sump which is proximate the filter chamber 202/fine mesh screen 207 (compared in the Office Action to the filter assembly recited in independent claim 1). Thus, Elick neither discloses nor suggests at least one cleaning nozzle fixed to a portion of the sump proximate the filter assembly, as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Elick, and thus the rejection of independent claim 1 under 35 U.S.C. §102(e) over Elick should be withdrawn. Dependent claim 5 is allowable at least for the reasons set forth above with respect to independent claim 1, from which it depends, as well as for its added features.

III. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 3 and 4 under 35 U.S.C. §103(a) over Elick in view of U.S. Patent No. 3,122,148 to Alabaster (hereinafter "Alabaster"). The rejection is respectfully traversed.

Dependent claims 3 and 4 are allowable over Elick at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

Further, Alabaster is merely cited as allegedly teaching a multiplicity of filters, and thus fails to overcome the deficiencies Elick. Accordingly, it is respectfully submitted that claims 3 and 4 are allowable over the applied combination, and thus the rejection of claims 3 and 4 under 35 U.S.C. §103(a) over Elick and Alabaster should be withdrawn.

IV. New Claims 7-19

New claims 7-19 are added to the application. It is respectfully submitted that new claims 7-19 also define over the applied prior art and meet the requirements of 35 U.S.C. §112.

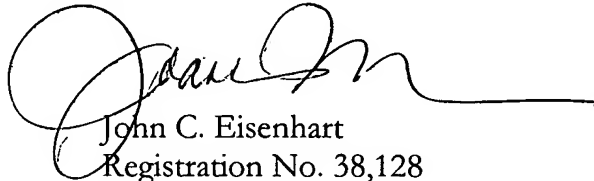
V. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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